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September 12, 2007

**BY FAX (212) 805-6717**  
The Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

# MEMO ENDORSED

Re: Nephty Cruz et al. v. Independent Testing Laboratories  
Case Number: 07 CV 6394(RMB)

Dear Honorable Judge Berman:

I am counsel for the Defendant in the above matter. Yesterday, at Plaintiff's request, Your Honor adjourned a previously scheduled pre-trial conference from September 12, 2007 to September 24, 2007 at 9:30 a.m. I write seeking an adjournment of that conference because I will be out of town on September 24. I have a wedding to attend in south Jersey on Sunday evening, and will not be back in New York until the afternoon of September 24.

I repeat what my adversary advised you the other day that the parties are in the midst of settlement negotiations and it is my hope that by the 24<sup>th</sup> of September this matter will be adjusted.

This request is made on mutual consent of both parties who respectfully request the court adjourn the September 24, 2007 conference.

Thank you for your consideration of this request.

Respectfully submitted,

Ans. 3. Ans. 3. But

Adjudicated to 9/25/07 @  
9:30

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